


1 United States.” 28 U.S.C. § 2254(a) (emphasis added). From the face of this petition it is evident that
2 petitioner is a pre-trial detainee who has not yet suffered a conviction.¹

3 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF No.
4 1) is **GRANTED**. The Clerk shall **file** the petition.

5 **IT IS FURTHER ORDERED** that the petitioner is **DISMISSED** for lack of subject matter
6 jurisdiction. The Clerk shall enter judgment accordingly.

7 Dated this 28th day of January, 2013.

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12 Gloria M. Navarro
13 United States District Judge
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23 ¹ Petitioner apparently has a pre-trial petition for writ of habeas corpus on file with the state
24 district court which attacks pre-trial proceedings and the sufficiency of the charging document. The
25 Nevada Supreme Court declined to entertain his petition for writ of mandamus seeking an order directing
26 the district court to address that petition. *See* Exhibits A and B to the petition. Thus, petitioner has not
exhausted his claims before the state court, another requirement for obtaining relief under 28 U.S.C. §
2254. *See* 28 U.S.C. § 2254(b)(1).